



Doc Code: AP.PRE.REQ

PTO/SB/33 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

944-003.151-1

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on 3/4/10Signature Lorraine F. KniffinTyped or printed name Lorraine F. Kniffin

Application Number

10/606,284

Filed

June 25, 2003

First Named Inventor

SEPPINEN

Art Unit

2618

Examiner

Eugene Yun

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)☒

attorney or agent of record.

Registration number 31,391☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

Francis J. Maguire

Signature

Francis J. Maguire

Typed or printed name

203-261-1234

Telephone number

3-MARCH-2010

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒\*Total of 2 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



DOCKET: 944-003.151-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: **Pauli SEPPINEN et al**

U.S. Serial No.: **10/606,284**

Examiner: **Eugene Yun**

Filed: **June 25, 2003**

Group Art Unit: **2618**

For: **BLUETOOTH RF BASED RF-TAG READ/WRITE  
STATION**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

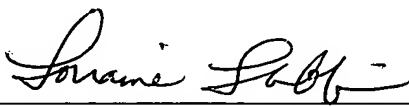
**ACCOMPANIED BY NOTICE OF APPEAL**

Sir:

In response to the Final Action of October 14, 2009, Applicant requests review of the rejection prior to preparing an Appeal Brief for the following reasons:

-----  
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
\_\_\_\_\_  
Lorraine F. Kniffin

Dated: 3/4/10

## REMARKS

This Request for Review is filed with a Notice of Appeal with fee in response to the Final Action of December 4, 2009.

Based on the claim language, the pending claims include a limitation where the mixer is configured to be operable in both of the two modes (emphasis supplied):

1. A dual mode transceiver, comprising:
  - a mixer; and
  - a controller configured to adapt the transceiver to operate in two modes operating either as a radio frequency tag reader or as a Bluetooth transceiver by changing reception and transmission capabilities of the transceiver, wherein the controller is configured to control the mixer to operate in both of the two modes, wherein the mixer is useable for said transceiver operating as said radio frequency tag reader or as said Bluetooth transceiver.

The prior art does not show or suggest the claimed invention as a whole and, in particular, does not show or suggest a controller configured to control the mixer to operate in both of the two modes, wherein the mixer is useable for said transceiver operating as said radio frequency tag reader or as said Bluetooth transceiver.

The Examiner raised an issue in the Advisory Action concerning the meaning of the above mentioned limitation. The Examiner stated in the Advisory Action that nowhere in the claims does it specifically state that the mixer must operate **only** in the Bluetooth or **only** in the

RFID mode. However, the claims include only a limitation that the mixer must be operable either of the two modes in some shape or form.

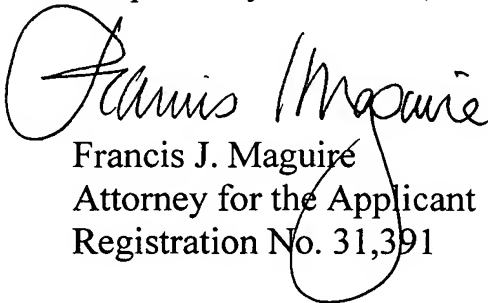
It seems that if the Applicants were to accept the interpretation of the claim or were to insert additional or substitute language suggested by the Examiner, then it could later be susceptible to an incorrect interpretation that the mixer must operate only in the Bluetooth or only in the RFID mode but not both, as claimed.

The claim claims the “mixer” in the singular and it is clear from the claim that the mixer is controlled to operate in both of the two modes. The mode in which it is operating depends on how the controller controls it.

It is of course true that the mixer is operating only in the Bluetooth mode when it is controlled to be operating in the Bluetooth mode and that it is only operating in the RFID mode when it is controlled to be operating in the RFID mode. But that is evident from the language of the claim as currently pending.

Review of the rejection and reopening of prosecution to allowance is requested.

Respectfully submitted,

  
Francis J. Maguire  
Attorney for the Applicant  
Registration No. 31,391

Tel.: (203) 261-1234